

REMARKS

This application has been carefully reviewed in light of the Office Action dated May 18, 2009. Claims 1, 3, 5 to 8, 10, 12 to 14, 100, 101, and 103 are in the application, with Claims 1, 5, 8, 12, 100 and 101 being independent. Reconsideration and further examination are respectfully requested.

Claims 1, 3, 4, 6, 7, 8, 10, 11, 13, 14, 100 and 103 were rejected under 35 U.S.C. § 103(a) over U.S. Publication No. 2005/0060198 (Bayne) in view of U.S. Patent No. 6,406,426 (Reuss). Claims 5 and 12 were rejected under 35 U.S.C. § 103(a) over Bayne and Reuss in view of U.S. Patent No. 5,363,842 (Mishelevich). Claim 101 was rejected under 35 U.S.C. § 103(a) over Bayne, Reuss and Mishelevich in view of U.S. Patent No. 5,894,841 (Voges). These rejections are respectfully traversed.

Referring specifically to the claims, amended independent Claim 1 is directed to a health management system for managing health of each patient carrying a portable terminal. The system includes a portable terminal which is arranged to be carried by a patient. The portable terminal includes a display screen, radio communication means for accessing a predetermined radio communication network, storage means for storing personal information of the patient, wherein the personal information includes information of a clinical chart of the patient and a prescription, an input/output device for supporting health management for the patient, and an emergency notification switch for causing the portable terminal to enter an emergency notification mode. The system further includes a database including personal information storage means for storing the personal information about each patient carrying the portable terminal, medical information storage means for storing information about a medical facility, a drugstore, a medicine, and the input/output device, and communication means for

communicating with the portable terminal through the radio communication network. The radio communication means transmits part of the personal information stored in the storage means in starting to communicate with the database. The database further includes identification means for identifying the patient of the portable terminal by collating the part of the information transmitted from the radio communication means with information stored in the personal information storage means, and emergency handling means which is activated and provides either communication with a medical facility whose information is stored in the medical information storage means or information stored in the medical information storage means, which is necessary for the identified patient for the portable terminal, in accordance with information transmitted from the radio communication means, to the portable terminal when the portable terminal enters the emergency notification mode. The portable terminal further comprises position information acquisition means for acquiring position information of the terminal, and the emergency handling means causes the portable terminal to display information about a route from a position of the portable terminal to a suitable medical facility or drugstore on the display screen on the basis of the position information transmitted from the position information acquisition means.

Amended independent Claim 8 is directed to a method along the same lines as independent Claim 1.

Amended independent Claim 5 is directed to a system along the same lines as independent Claim 1, but also includes the additional feature of an input/output device being an inhaler for discharging a medicine in the form of fine droplets to make the patient inhale the droplets, and the information about said input/output device includes information about the

handling of said inhaler. Amended independent Claim 12 is a method along the same lines as independent Claim 5.

Amended independent Claim 100 is directed to an information provision method for providing medical information about health, a medical treatment or a medicine from a database. The method includes receiving, from a portable terminal carried by a patient through a network, patient information stored in the portable terminal and an emergency notification for causing the portable terminal to enter an emergency notification mode, wherein the patient information includes a clinical chart of the patient and a prescription. The method further includes identifying the patient by collating the patient information transmitted from the portable terminal with personal information stored in the database, and activating an emergency handling means which is included in the database and which provides either communication with a medical facility or the medical information stored in the database to the portable terminal of the identified patient in the emergency notification mode. The portable terminal further includes position information acquisition means for acquiring position information of the terminal, and, in the step of activating, the emergency handling means causes the portable terminal to display information about a route from a position of the portable terminal to a suitable medical facility or drugstore on the display screen on the basis of the position information transmitted from the position information acquisition means.

Amended independent Claim 101 is directed to a method along the same lines as independent Claim 100, but also includes the additional feature of the portable terminal including an inhaler which discharges a medicine on the basis of an ink-jet scheme using heat.

The applied references are not seen to disclose or suggest the features of the claims. In particular, none of Bayne, Reuss, Mishelevich and Voges are seen to disclose or

suggest at least the feature of acquiring position information of a portable terminal which is carried by a patient and causing the portable terminal to display information about a route from a position of said portable terminal to a suitable medical facility or drugstore on the display screen on the basis of the position information.

The Office Action asserted that it would have been obvious to combine Bayne with Reuss, and that such combination discloses the above feature. However, Applicants respectfully disagree because (1) any proposed combination of Bayne and Reuss is impermissible, and (2) even if the suggested combination was permissible, the combination would not disclose or suggest the features of the present claims.

Turning first to point (1) above, the proposed combination of Bayne and Reuss is impermissible because the combination would obviate the function of Bayne, thus rendering Bayne unsatisfactory for its intended purpose. (See MPEP § 2143.01(V)). Thus, no motivation for making the proposed modification exists.

More specifically, Bayne considers that many patients prefer to receive acute care in their home or workplace, in contrast to the options of meeting a personal physician at the physician's office, visiting an emergency room, or calling an ambulance. Bayne, paragraph [0005]. Thus, Bayne describes a method for mobile clinicians to conduct in-home patient visits. According to Bayne, each mobile clinician uses a preprogrammed portable computer. When a request for medical services at a patient's premises is received, a mobile clinician is selected and is dispatched to the patient's premises.

Accordingly, it is essential to the method described in Bayne that the portable computer be carried by the clinician, in order for the clinician to receive the dispatch notification notifying the clinician to visit the patient at the patient's premises.

Thus, if Bayne were modified by Reuss such that the portable computer is carried by the patient rather than the mobile clinician, the resulting combination would render Bayne unsatisfactory for its intended purpose of providing a method for mobile clinicians to conduct house calls.

Accordingly, no motivation to combine Bayne and Reuss exists.

Turning now to point (2) above, even if the combination of Bayne and Reuss was somehow permissible, which Applicants do not concede, the combination still would not disclose or suggest acquiring position information of a portable terminal which is carried by a patient and causing the portable terminal to display information about a route from a position of said portable terminal to a suitable medical facility or drugstore on the display screen on the basis of the position information.

The Office Action took the position that paragraphs [0039], [0040] and [0050] of Bayne describes acquiring position information of the portable terminal and displaying a route to a suitable medical facility or drugstore on the basis of the position information. However, Applicants respectfully submit that the cited portions of Bayne merely disclose displaying maps to assist the clinician in reaching the patient's home, by using a locating device 152 cooperating with a mapping device 144.

In contrast, the present claims recite causing the portable terminal to display information about a route from a position of said portable terminal to a suitable medical facility or drugstore on the display screen on the basis of the position information.

The remaining references, namely Reuss, Mishelevich and Voges, are not seen to cure the deficiencies of Bayne, either alone or in combination. Accordingly, independent Claims 1, 5, 8, 12, 100 and 101 are believed to be allowable.

The other pending claims in this application are each dependent from the independent claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

CONCLUSION

No claim fees are believed due, however, should it be determined that additional claim fees are required, the Director is hereby authorized to charge such fees to Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Frank Cire #42,419/
Attorney for Applicants
Frank L. Cire
Registration No. 42,419

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

FCHS_WS 3746854v1